

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

MARCUS RUSELL MILLER, )  
Plaintiff, )  
v. ) Case No. CIV-15-295-M  
JUSTIN JONES, et al., )  
Defendants. )

**ORDER**

On November 25, 2015, United States Magistrate Judge Charles B. Goodwin issued a Report and Recommendation in this action brought pursuant to 42 U.S.C. § 1983. The Magistrate Judge recommended this action be dismissed as follows: (1) all 42 U.S.C. § 1983 claims against the Oklahoma Department of Corrections, and all § 1983 claims for money damages against defendants Joe M. Allbaugh<sup>1</sup>, Interim Director for the Oklahoma Department of Corrections, Mark Knutson, Warden Mike Mullin, Ruby Taylor, and Jane Doe/John Doe, in their official capacities, be dismissed pursuant to the Eleventh Amendment and 28 U.S.C. § 1915(e)(2)(B)(iii) and (2) all remaining 42 U.S.C. § 1983 claims be dismissed for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). Further, the Magistrate Judge recommended the Court decline to exercise supplemental jurisdiction over the state-law claims alleged in the Complaint. Plaintiff was advised of his right to file an objection to the Report and Recommendation by December 16, 2015. A review of the file reveals no objection to the Report and Recommendation has been filed.

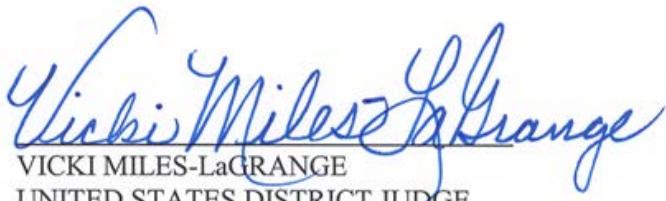
Accordingly, upon de novo review, the Court:

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<sup>1</sup> Justin Jones is no longer the Director for the Oklahoma Department of Corrections.

- (1) ADOPTS the through Report and Recommendation [docket no. 18] issued by the Magistrate Judge on November 25, 2015;
- (2) DISMISSES plaintiffs' Complaint [docket no. 1] as follows: (1) all 42 U.S.C. § 1983 claims against the Oklahoma Department of Corrections, and all § 1983 claims for money damages against defendants Joe M. Allbaugh, Mark Knutson, Warden Mike Mullin, Ruby Taylor, and Jane Doe/John Doe, in their official capacities, are dismissed pursuant to the Eleventh Amendment and 28 U.S.C. § 1915(e)(2)(B)(iii) and (2) all remaining 42 U.S.C. § 1983 claims are dismissed for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1951(e)(2)(B)(ii); and
- (3) DECLINES to exercise supplemental jurisdiction over the state-law claims alleged in plaintiff's Complaint.

**IT IS SO ORDERED this 8th day of February, 2016.**



VICKI MILES-LAGRANGE  
UNITED STATES DISTRICT JUDGE